

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/18/2020

----- X
ZENON DE LA ROSA, :
: _____
Plaintiff, :
: _____
-against- : 19-CV-286 (VEC)
: _____
CHESTNUT HOLDINGS OF NEW YORK INC., : ORDER
1288 LLC, and JONATHAN WIENER, :
: _____
Defendants. :
----- X

VALERIE CAPRONI, United States District Judge:

WHEREAS counsel for the parties submitted a proposed settlement agreement, *see* Dkt. 48 & Ex. 2, for the Court's approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015);

WHEREAS the proposed settlement provides for a total recovery of \$36,500, with slightly less than a third of the recovery (\$11,767.82) awarded to Plaintiff's counsel for fees and costs, *see* Dkt. 48 at 4 & Ex. 1 ¶ 1(a);

WHEREAS counsel's requested fee (\$10,549.34) is approximately one third the lodestar amount based on counsel's billing rates and time entries, *see* Dkt. 48 Exs. 3–4;

WHEREAS the Court finds that counsel's requested fee is reasonable;

WHEREAS counsel's requested costs total \$1,218.48, *see* Dkt. 48 Ex. 3;

WHEREAS the Court finds that counsel's requested costs are reasonable;

WHEREAS paragraph 3(a) of the proposed settlement agreement contains a release that is broader than just wage-and-hour claims, *see* Dkt. 48 Ex. 2;

IT IS HEREBY ORDERED that the proposed settlement agreement is not approved as fair and reasonable because of the breadth of the release. The Court would be prepared to

approve as fair a settlement that releases all wage-and-hour law claims. The parties may submit, no later than **March 3, 2020**, a revised settlement agreement that is consistent with this Order if they wish to proceed. *See Fisher v. SD Prot. Inc.*, 2020 WL 550470, at *8 (2d Cir. Feb. 4, 2020).

SO ORDERED.

Date: February 18, 2020
New York, NY



VALERIE CAPRONI
United States District Judge